

1 William D. Hyslop
2 United States Attorney
3 Eastern District of Washington
4 Benjamin D. Seal
5 Assistant United States Attorney
6 402 E. Yakima Avenue, Suite 210
7 Yakima, Washington 98901
8 (509) 454-4425

9
10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 UNITED STATES OF AMERICA,

13 NO: 4:21-MJ-07015-MKD-2

14 Plaintiff,

15 MOTION FOR DETENTION

16 vs.

17 ANDRES GUTIERREZ,

18 Defendant.

19 The United States moves for pretrial detention of Defendant, pursuant to 18
20 U.S.C. § 3142(e) and (f).

21 1. Eligibility of Case. This case is eligible for a detention order because
22 the case involves (check one or more):

- 23 Crime of violence (as defined in 18 U.S.C. § 3156(a)(4) which
24 includes any felony under Chapter 109A, 110 and 117),
25 Maximum penalty of life imprisonment or death,
26 Drug offense with maximum penalty of 10 years or more,
27 Felony, with two prior convictions in above categories,
28 Felony that involves a minor victim or that involves the
possession or use of a firearm or destructive device (as those
terms are defined in section 921), or any other dangerous
weapon, or involves a failure to register under 18 U.S.C.
Section 2250,
 Serious risk Defendant will flee, or
 Serious risk obstruction of justice.

- 1 2. Reason For Detention. The Court should detain Defendant
2 because there is no condition or combination of conditions which
3 will reasonably assure (check one or both):
4 Defendant's appearance as required, or
5 Safety of any other person and the community.
6 3. Rebuttable Presumption. The United States will invoke the rebuttable
7 presumption against Defendant under Section 3142(e). The presumption
8 applies because there is probable cause to believe Defendant committed:
9 Drug offense with maximum penalty of 10 years or more,
10 An offense under section 924(c), 956(a), or 2332b,
11 An offense listed in section 2332b (g)(5)(B) of Title 18 United
12 States Code for which a maximum term of imprisonment of 10
13 years or more is prescribed,
14 An offense under chapter 77 of Title 18 United States Code,
15 for which a maximum term of imprisonment of 20 years or more
16 is prescribed,
17 An offense involving a minor victim under Section 1201, 1591,
18 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2),
19 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4),
20 2260, 2421, 2422, 2423, or 2425 of Title 18 United States Code,
21 Other Circumstance as defined in Section 3142(e)(2).
22 4. Time For Detention Hearing. The United States requests the Court
23 conduct the detention hearing:
24 At the first appearance, or
25 After a continuance of three days.
26 5. Other Matters.

27 Dated this 19th day of January, 2021.

s/Benjamin D. Seal

28 Benjamin D. Seal
 Assistant United States Attorney